

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

The Ohio State University,	:	
Plaintiff	:	Civil Action 2:12-cv-00662
v.	:	Judge Frost
Skreened, Ltd. and Daniel Fox,	:	Magistrate Judge Abel
Defendants	:	

ORDER

Plaintiff The Ohio State University's February 26, 2013 motion to vacate mediation (doc. 27) is DENIED.

The Notice of Settlement Conference states that a party wishing to cancel the mediation must initiate a telephone conference with the Magistrate Judge. Plaintiff failed to do so.

One reason that I require counsel to participate in a telephone conference is to determine if amendments to the scheduling order are necessary. In its motion, plaintiff indicates that it intends to file a motion for leave to file an amended complaint. The scheduling order established November 17, 2012 as the deadline for amending the pleadings. If plaintiff demonstrates good cause for its proposed amendment, Rule 16(b) of the Federal Rules of Civil Procedure, the scheduling order may have to be amended.

While I do not force parties to mediate, I expect the parties to explain to me in a telephone conference why they choose not to mediate. Counsel for plaintiff is

ORDERED to initiate a telephone conference call with counsel and the Magistrate Judge. It is further ORDERED that a client representative of both parties participate in the telephone conference.

The Clerk of Court is DIRECTED to send a copy of this order to the Settlement Week Mediator, Stephen Fitch, 65 S. State St., Ste. 1000, Columbus, Ohio 43215.

s/Mark R. Abel
United States Magistrate Judge